



EUROPEAN COMMISSION  
NEIGHBOURHOOD AND ENLARGEMENT NEGOTIATIONS

The Director-General

Brussels,

**Subject: Your application for access to documents – Ref GestDem No 2020/3506**

Dear Mr Schindler,

We refer to your e-mail dated 8 June 2020<sup>1</sup> in which you make a request for access to documents, registered on 9 June 2020 under the above-mentioned reference number.

You request access to:

*“any information related to palantir and its products and services, including a) meeting records (drafts, memos, invitations, appointments, cancellations) involving Palantir officials and people representing Palantir and their interests b) correspondence (including within the [Authority name] and with the European institutions concerning Palantir technologies and / or its products and services or the regulatory environment of the EU that affects their products and services. This may include policy papers, consultation input, memoranda or any other form of information. c) invoices, tenders, service agreements, purchases, orders, procurement documents, offers etc. concerning products and services using Palantir Technologies.”*

In your subsequent e-mail dated 10 June 2020, you specified that the timeframe concerned by your request starts in 2004.

Based on the description provided in your application, DG NEAR has identified the following documents:

- CV annexed to the Twinning contract: Independent Police Complaints Commission & Complaints System for the Turkish National Police, Gendarmerie and Coast Guard, TR 15 IPA JH 02 17 R – TR2015/RL/04/A1.9-01, Ref. Ares(2018)2491231;
- CV annexed to the Administrative order for expert approval, service contract ENI/2018/396-727 EU4Digital: AO\_19, Ref. Ares(2020)1876207.

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<sup>1</sup> Ares(2020)3000917.

Mr Mathias Schindler

sent by email only to  
ask+request-8053-6c986605@asktheeu.org

Having examined these documents under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents,<sup>2</sup> I regret to inform you that access must be refused. Indeed, disclosure is prevented by the exception to the right of access laid down in Article 4(1)(b) (protection of the privacy and integrity of the individual) of Regulation (EC) No 1049/2001.

The justifications are as follows.

### **1. Protection of the privacy and the integrity of the individual**

Access to the CVs of the two experts is to be denied according to the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001. In particular, these documents contain the names, contact data and professional background of the experts.

In its judgment in Case C-28/08 P (*Bavarian Lager*),<sup>3</sup> the Court of Justice ruled that when a request is made for access to documents containing personal data, the Data Protection Regulation<sup>4</sup> becomes fully applicable.<sup>5</sup>

The information contained in the CVs constitutes personal data as per Article 3 of the Data Protection Regulation.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subjects might be prejudiced. In your request, you do not put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data contained in the requested documents. The need to obtain access for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

### **2. Partial access**

In accordance with Article 4(6) of Regulation (EC) No 1049/2001, I have considered the possibility of granting partial access to the documents requested.

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<sup>2</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, Official Journal L 145 of 31 May 2001, p. 43.

<sup>3</sup> Judgment of 29 June 2010 in Case C 28/08 P, *European Commission v The Bavarian Lager Co. Ltd*, EU:C:2010:378, paragraph 59.

<sup>4</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.

<sup>5</sup> Whereas this judgment specifically related to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, the principles set out therein are also applicable under the new data protection regime established by Regulation 2018/1725.

However, for the reasons explained above, no meaningful partial access is possible without undermining the interests described above.

Consequently, I have come to the conclusion that the documents requested are covered in their entirety by the invoked exception to the right of public access.

### **3. Means of Redress**

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review its position. Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretariat-General  
Transparency, Document Management & Access to Documents (SG.C.1)  
BERL 7/076  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

[e-signed]

Christian Danielsson